

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DANIEL PLEWINSKI,

Plaintiff,

VS.

LUBY'S INC; dba LUBY'S,

Defendant.

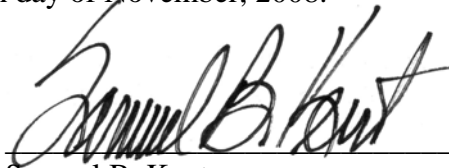
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CIVIL ACTION NO. H-07-3529

**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION**

Now before the Court is Defendant's Motion to Reconsider the Court's Order Granting Motion for Conditional Class Certification and Notice to Potential Collective Class Members (Doc. 55). On October 1, 2008, the Court entered an Order Granting Plaintiffs' Motion to Certify Class and approved Plaintiffs' proposed notice to potential class members. The following day, Defendant filed a Motion to Reconsider arguing that language in the Court's Order gave an impression that it had not considered Defendant's Supplemental Response filed in opposition to Plaintiffs' Motion to Certify. The Court is sympathetic to that impression, and has considered the possibility that the Supplemental Response was overlooked. Accordingly, the Court has fully reviewed all submissions made by the Parties, including the Supplemental Response. However, the Court still stands by the ruling in its October 1<sup>st</sup> Order. Future discovery and trial testimony will establish whether Defendant's actions were willful. The fee arrangement is adequately described, and Plaintiffs have presented sufficient evidence to include their allegations as stated in their proposed Notice. Accordingly, Defendant's Motion to Reconsider (Doc. 55) is **DENIED**.

**DONE** at Houston, Texas this the 6th day of November, 2008.

A handwritten signature in black ink, appearing to read "Samuel B. Kent", written over a horizontal line.

Samuel B. Kent  
United States District Judge